

108TH CONGRESS
2D SESSION

S. 2653

To make it a criminal act to willfully use a weapon with the intent to cause death or serious bodily injury to any person while on board a passenger vessel, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 14, 2004

Mr. BIDEN (for himself, Mr. SPECTER, Mrs. FEINSTEIN, Mr. KYL, Mr. HOLLINGS, and Mr. ALLEN) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To make it a criminal act to willfully use a weapon with the intent to cause death or serious bodily injury to any person while on board a passenger vessel, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This title may be cited as the “Reducing Crime and
5 Terrorism at America’s Seaports Act of 2004”.

6 **SEC. 2. ENTRY BY FALSE PRETENSES TO ANY SEAPORT.**

7 (a) IN GENERAL.—Section 1036 of title 18, United
8 States Code, is amended—

1 (1) in subsection (a)—

2 (A) in paragraph (2), by striking “or” at
3 the end;

4 (B) by redesignating paragraph (3) as
5 paragraph (4); and

6 (C) by inserting after paragraph (2) the
7 following:

8 “(3) any secure or restricted area (as that term
9 is defined under section 2285(c)) of any seaport;
10 or”;

11 (2) in subsection (b)(1), by striking “5” and in-
12 serting “10”;

13 (3) in subsection (c)(1), by inserting “, captain
14 of the seaport,” after “airport authority”; and

15 (4) in the section heading, by inserting “or sea-
16 port” after “airport”.

17 (b) TECHNICAL AND CONFORMING AMENDMENT.—

18 The table of sections for chapter 47 of title 18 is amended
19 by striking the matter relating to section 1036 and insert-
20 ing the following:

“1036. Entry by false pretenses to any real property, vessel, or aircraft of the
United States or secure area of any airport or seaport.”.

21 (c) DEFINITION OF SEAPORT.—Chapter 1 of title 18,
22 United States Code, is amended by adding at the end the
23 following:

1 **“§ 25. Definition of seaport**

2 “As used in this title, the term ‘seaport’ means all
3 piers, wharves, docks, and similar structures to which a
4 vessel may be secured, areas of land, water, or land and
5 water under and in immediate proximity to such struc-
6 tures, and buildings on or contiguous to such structures,
7 and the equipment and materials on such structures or
8 in such buildings.”.

9 (d) TECHNICAL AND CONFORMING AMENDMENT.—
10 The table of sections for chapter 1 of title 18 is amended
11 by inserting after the matter relating to section 24 the
12 following:

“25. Definition of seaport.”.

13 **SEC. 3. CRIMINAL SANCTIONS FOR FAILURE TO HEAVE TO,**
14 **OBSTRUCTION OF BOARDING, OR PROVIDING**
15 **FALSE INFORMATION.**

16 (a) OFFENSE.—Chapter 109 of title 18, United
17 States Code, is amended by adding at the end the fol-
18 lowing:

19 **“§ 2237. Criminal sanctions for failure to heave to, ob-**
20 **struction of boarding, or providing false**
21 **information**

22 “(a)(1) It shall be unlawful for the master, operator,
23 or person in charge of a vessel of the United States, or
24 a vessel subject to the jurisdiction of the United States,

1 to knowingly fail to obey an order by an authorized Fed-
2 eral law enforcement officer to heave to that vessel.

3 “(2) It shall be unlawful for any person on board a
4 vessel of the United States, or a vessel subject to the juris-
5 diction of the United States, to—

6 “(A) forcibly resist, oppose, prevent, impede, in-
7 timidate, or interfere with a boarding or other law
8 enforcement action authorized by any Federal law,
9 or to resist a lawful arrest; or

10 “(B) provide information to a Federal law en-
11 forcement officer during a boarding of a vessel re-
12 garding the vessel’s destination, origin, ownership,
13 registration, nationality, cargo, or crew, which that
14 person knows is false.

15 “(b) This section does not limit the authority of a
16 customs officer under section 581 of the Tariff Act of
17 1930 (19 U.S.C. 1581), or any other provision of law en-
18 forced or administered by the Secretary of the Treasury
19 or the Undersecretary for Border and Transportation Se-
20 curity of the Department of Homeland Security, or the
21 authority of any Federal law enforcement officer under
22 any law of the United States, to order a vessel to stop
23 or heave to.

24 “(c) A foreign nation may consent or waive objection
25 to the enforcement of United States law by the United

1 States under this section by radio, telephone, or similar
 2 oral or electronic means. Consent or waiver may be proven
 3 by certification of the Secretary of State or the designee
 4 of the Secretary of State.

5 “(d) In this section—

6 “(1) the term ‘Federal law enforcement officer’
 7 has the meaning given the term in section 115(c);

8 “(2) the term ‘heave to’ means to cause a vessel
 9 to slow, come to a stop, or adjust its course or speed
 10 to account for the weather conditions and sea state
 11 to facilitate a law enforcement boarding;

12 “(3) the term ‘vessel subject to the jurisdiction
 13 of the United States’ has the meaning given the
 14 term in section 2(c) of the Maritime Drug Law En-
 15 forcement Act (46 App. U.S.C. 1903(b)); and

16 “(4) the term ‘vessel of the United States’ has
 17 the meaning given the term in section 2(c) of the
 18 Maritime Drug Law Enforcement Act (46 App.
 19 U.S.C. 1903(b)).

20 “(e) Any person who intentionally violates the provi-
 21 sions of this section shall be fined under this title, impris-
 22 oned for not more than 5 years, or both.”.

23 (b) TECHNICAL AND CONFORMING AMENDMENT.—
 24 The table of sections for chapter 109, title 18, United
 25 States Code, is amended by inserting after the item for

1 section 2236 the following:

“2237. Criminal sanctions for failure to heave to, obstruction of boarding, or
providing false information.”.

2 **SEC. 4. USE OF A DANGEROUS WEAPON OR EXPLOSIVE ON**
3 **A PASSENGER VESSEL.**

4 Section 1993 of title 18, United States Code, is
5 amended—

6 (1) in subsection (a)—

7 (A) in paragraph (1), by inserting “, pas-
8 senger vessel,” after “transportation vehicle”;

9 (B) in paragraph (2)—

10 (i) by inserting “, passenger vessel,”
11 after “transportation vehicle”; and

12 (ii) by inserting “or owner of the pas-
13 senger vessel” after “transportation pro-
14 vider” each place that term appears;

15 (C) in paragraph (3)—

16 (i) by inserting “, passenger vessel,”
17 after “transportation vehicle” each place
18 that term appears; and

19 (ii) by inserting “or owner of the pas-
20 senger vessel” after “transportation pro-
21 vider” each place that term appears;

22 (D) in paragraph (5)—

23 (i) by inserting “, passenger vessel,”
24 after “transportation vehicle”; and

1 (ii) by inserting “or owner of the pas-
 2 senger vessel” after “transportation pro-
 3 vider”; and

4 (E) in paragraph (6), by inserting “or
 5 owner of a passenger vessel” after “transpor-
 6 tation provider” each place that term appears;

7 (2) in subsection (b)(1), by inserting “, pas-
 8 senger vessel,” after “transportation vehicle”; and

9 (3) in subsection (c)—

10 (A) by redesignating paragraph (6)
 11 through (8) as paragraphs (7) through (9); and

12 (B) by inserting after paragraph (5) the
 13 following:

14 “(6) the term ‘passenger vessel’ has the mean-
 15 ing given that term in section 2101(22) of title 46,
 16 United States Code, and includes a small passenger
 17 vessel, as that term is defined under section
 18 2101(35) of that title.”.

19 **SEC. 5. CRIMINAL SANCTIONS FOR VIOLENCE AGAINST**
 20 **MARITIME NAVIGATION, PLACEMENT OF DE-**
 21 **STRUCTIVE DEVICES, AND MALICIOUS DUMP-**
 22 **ING.**

23 (a) VIOLENCE AGAINST MARITIME NAVIGATION.—
 24 Section 2280(a) of title 18, United States Code, is amend-
 25 ed—

1 (1) in paragraph (1)—

2 (A) in subparagraph (H), by striking
3 “(G)” and inserting “(H)”;

4 (B) by redesignating subparagraphs (F),
5 (G), and (H) as subparagraphs (G), (H), and
6 (I), respectively; and

7 (C) by inserting after subparagraph (E)
8 the following:

9 “(F) destroys, seriously damages, alters,
10 moves, or tampers with any aid to maritime
11 navigation maintained by the Saint Lawrence
12 Seaway Development Corporation under the au-
13 thority of section 4 of the Act of May 13, 1954
14 (33 U.S.C. 984), by the Coast Guard pursuant
15 to section 81 of title 14, United States Code, or
16 lawfully maintained under authority granted by
17 the Coast Guard pursuant to section 83 of title
18 14, United States Code, if such act endangers
19 or is likely to endanger the safe navigation of
20 a ship;”; and

21 (2) in paragraph (2) by striking “(C) or (E)”
22 and inserting “(C), (E), or (F)”.

23 (b) PLACEMENT OF DESTRUCTIVE DEVICES.—

1 (1) IN GENERAL.—Chapter 111 of title 18,
2 United States Code, is amended by adding after sec-
3 tion 2280 the following:

4 **“§ 2280A. Devices or substances in waters of the**
5 **United States likely to destroy or damage**
6 **ships or to interfere with maritime com-**
7 **merce**

8 “(a) A person who knowingly places, or causes to be
9 placed, in navigable waters of the United States, by any
10 means, a device or substance which is likely to destroy or
11 cause damage to a vessel or its cargo, or cause interference
12 with the safe navigation of vessels, or interference with
13 maritime commerce, such as by damaging or destroying
14 marine terminals, facilities, and any other marine struc-
15 ture or entity used in maritime commerce, with the intent
16 of causing such destruction or damage, or interference
17 with the safe navigation of vessels or with maritime com-
18 merce, shall be fined under this title, imprisoned for any
19 term of years or for life, or both; and if the death of any
20 person results from conduct prohibited under this sub-
21 section, may be punished by death.

22 “(b) Nothing in this section shall be construed to
23 apply to otherwise lawfully authorized and conducted ac-
24 tivities of the United States Government.”.

1 (2) TECHNICAL AND CONFORMING AMEND-
 2 MENT.—The table of sections for chapter 111 of
 3 title 18, United States Code, is amended by adding
 4 after the item related to section 2280 the following:

“2280A. Devices or substances in waters of the United States likely to destroy
 or damage ships or to interfere with maritime commerce.”.

5 (c) MALICIOUS DUMPING.—

6 (1) IN GENERAL.—Chapter 111 of title 18,
 7 United States Code, is amended by adding at the
 8 end the following:

9 **“§ 2282. Knowing discharge or release**

10 “(a) ENDANGERMENT OF HUMAN LIFE.—Any per-
 11 son who knowingly discharges or releases oil, a hazardous
 12 material, a noxious liquid substance, or any other dan-
 13 gerous substance into the navigable waters of the United
 14 States or the adjoining shoreline with the intent to endan-
 15 ger human life, health, or welfare shall be fined under this
 16 title and imprisoned for any term of years or for life.

17 “(b) ENDANGERMENT OF MARINE ENVIRONMENT.—
 18 Any person who knowingly discharges or releases oil, a
 19 hazardous material, a noxious liquid substance, or any
 20 other dangerous substance into the navigable waters of the
 21 United States or the adjacent shoreline with the intent
 22 to endanger the marine environment shall be fined under
 23 this title, imprisoned not more than 30 years, or both.

24 “(c) DEFINITIONS.—In this section:

1 “(1) DISCHARGE.—The term ‘discharge’ means
2 any spilling, leaking, pumping, pouring, emitting,
3 emptying, or dumping.

4 “(2) HAZARDOUS MATERIAL.—The term ‘haz-
5 ardous material’ has the meaning given the term in
6 section 2101(14) of title 46, United States Code.

7 “(3) MARINE ENVIRONMENT.—The term ‘ma-
8 rine environment’ has the meaning given the term in
9 section 2101(15) of title 46, United States Code.

10 “(4) NAVIGABLE WATERS.—The term ‘navi-
11 gable waters’ has the meaning given the term in sec-
12 tion 1362(7) of title 33, and also includes the terri-
13 torial sea of the United States as described in Presi-
14 dential Proclamation 5928 of December 27, 1988.

15 “(5) NOXIOUS LIQUID SUBSTANCE.—The term
16 ‘noxious liquid substance’ has the meaning given the
17 term in the MARPOL Protocol defined in section
18 2(1) of the Act to Prevent Pollution from Ships (33
19 U.S.C. 1901(a)(3)).

20 (2) TECHNICAL AND CONFORMING AMEND-
21 MENT.—The table of sections for chapter 111 of
22 title 18, United States Code, is amended by adding
23 at the end the following:

“2282. Knowing discharge or release.”.

1 **SEC. 6. TRANSPORTATION OF DANGEROUS MATERIALS AND**
 2 **TERRORISTS.**

3 (a) TRANSPORTATION OF DANGEROUS MATERIALS
 4 AND TERRORISTS.—Chapter 111 of title 18, as amended
 5 by section 5 of this Act, is amended by adding at the end
 6 the following:

7 **“§ 2283. Transportation of explosive, biological, chem-**
 8 **ical, or radioactive or nuclear materials**

9 “(a) IN GENERAL.—Any person who knowingly and
 10 willfully transports aboard any vessel within the United
 11 States, on the high seas, or having United States nation-
 12 ality, an explosive or incendiary device, biological agent,
 13 chemical weapon, or radioactive or nuclear material, know-
 14 ing that any such item is intended to be used to commit
 15 an offense listed under section 2332b(g)(5)(B), shall be
 16 fined under this title, imprisoned for any term of years
 17 or for life, or both; and if the death of any person results
 18 from conduct prohibited by this subsection, may be pun-
 19 ished by death.

20 “(b) DEFINITIONS.—In this section:

21 “(1) BIOLOGICAL AGENT.—The term ‘biological
 22 agent’ means any biological agent, toxin, or vector
 23 (as those terms are defined in section 178).

24 “(2) BY-PRODUCT MATERIAL.—The term ‘by-
 25 product material’ has the meaning given that term

1 in section 11(e) of the Atomic Energy Act of 1954
2 (42 U.S.C. 2014(e)).

3 “(3) CHEMICAL WEAPON.—The term ‘chemical
4 weapon’ has the meaning given that term in section
5 229F.

6 “(4) EXPLOSIVE OR INCENDIARY DEVICE.—The
7 term ‘explosive or incendiary device’ has the mean-
8 ing given the term in section 232(5).

9 “(5) NUCLEAR MATERIAL.—The term ‘nuclear
10 material’ has the meaning given that term in section
11 831(f)(1).

12 “(6) RADIOACTIVE MATERIAL.—The term ‘ra-
13 dioactive material’ means—

14 “(A) source material and special nuclear
15 material, but does not include natural or de-
16 pleted uranium;

17 “(B) nuclear by-product material;

18 “(C) material made radioactive by bom-
19 bardment in an accelerator; or

20 “(D) all refined isotopes of radium.

21 “(7) SOURCE MATERIAL.—The term ‘source
22 material’ has the meaning given that term in section
23 11(z) of the Atomic Energy Act of 1954 (42 U.S.C.
24 2014(z)).

1 “(8) SPECIAL NUCLEAR MATERIAL.—The term
 2 ‘special nuclear material’ has the meaning given that
 3 term in section 11(aa) of the Atomic Energy Act of
 4 1954 (42 U.S.C. 2014(aa)).

5 **“§ 2284. Transportation of terrorists**

6 “(a) IN GENERAL.—Any person who knowingly and
 7 willfully transports any terrorist aboard any vessel within
 8 the United States, on the high seas, or having United
 9 States nationality, knowing that the transported person
 10 is a terrorist, shall be fined under this title, imprisoned
 11 for any term of years or for life, or both.

12 “(b) DEFINED TERM.—In this section, the term ‘ter-
 13 rorist’ means any person who intends to commit, or is
 14 avoiding apprehension after having committed, an offense
 15 listed under section 2332b(g)(5)(B).”.

16 (b) TECHNICAL AND CONFORMING AMENDMENT.—
 17 The table of sections for chapter 111 of title 18, United
 18 States Code, as amended by this Act, is amended by add-
 19 ing at the end the following:

 “2283. Transportation of explosive, chemical, biological, or radioactive or nu-
 clear materials.

 “2284. Transportation of terrorists.”.

20 **SEC. 7. DESTRUCTION OR INTERFERENCE WITH VESSELS**
 21 **OR MARITIME FACILITIES.**

22 (a) IN GENERAL.—Title 18, United States Code, is
 23 amended by inserting after chapter 111 the following:

1 **“CHAPTER 111A—DESTRUCTION OF, OR**
 2 **INTERFERENCE WITH, VESSELS OR**
 3 **MARITIME FACILITIES**

“Sec.

“2290. Jurisdiction and scope.

“2291. Destruction of vessel or maritime facility.

“2292. Imparting or conveying false information.

“2293. Bar to prosecution.

4 **“§ 2290. Jurisdiction and scope**

5 “(a) JURISDICTION.—There is jurisdiction over an of-
 6 fense under this chapter if the prohibited activity takes
 7 place—

8 “(1) within the United States or within waters
 9 subject to the jurisdiction of the United States; or

10 “(2) outside United States and—

11 “(A) an offender or a victim is a national
 12 of the United States (as that term is defined
 13 under section 101(a)(22) of the Immigration
 14 and Nationality Act (8 U.S.C. 1101(a)(22));

15 “(B) the activity involves a vessel in which
 16 a national of the United States was on board;
 17 or

18 “(C) the activity involves a vessel of the
 19 United States (as that term is defined under
 20 section 2(c) of the Maritime Drug Law En-
 21 forcement Act (42 App. U.S.C. 1903(c)).

1 “(b) SCOPE.—Nothing in this chapter shall apply to
2 otherwise lawful activities carried out by or at the direc-
3 tion of the United States Government.

4 **“§ 2291. Destruction of vessel or maritime facility**

5 “(a) OFFENSE.—Whoever willfully—

6 “(1) sets fire to, damages, destroys, disables, or
7 wrecks any vessel;

8 “(2) places or causes to be placed a destructive
9 device, as defined in section 921(a)(4), or destruc-
10 tive substance, as defined in section 13, in, upon, or
11 in proximity to, or otherwise makes or causes to be
12 made unworkable or unusable or hazardous to work
13 or use, any vessel, or any part or other materials
14 used or intended to be used in connection with the
15 operation of a vessel;

16 “(3) sets fire to, damages, destroys, or disables
17 or places a destructive device or substance in, upon,
18 or in proximity to, any maritime facility, including
19 but not limited to, any aid to navigation, lock, canal,
20 or vessel traffic service facility or equipment, or
21 interferes by force or violence with the operation of
22 such facility, if such action is likely to endanger the
23 safety of any vessel in navigation;

24 “(4) sets fire to, damages, destroys, or disables
25 or places a destructive device or substance in, upon,

1 or in proximity to, any appliance, structure, prop-
2 erty, machine, or apparatus, or any facility or other
3 material used, or intended to be used, in connection
4 with the operation, maintenance, loading, unloading,
5 or storage of any vessel or any passenger or cargo
6 carried or intended to be carried on any vessel;

7 “(5) performs an act of violence against or in-
8 capacitates any individual on any vessel, if such act
9 of violence or incapacitation is likely to endanger the
10 safety of the vessel or those on board;

11 “(6) performs an act of violence against a per-
12 son that causes or is likely to cause serious bodily
13 injury, as defined in section 1365, in, upon, or in
14 proximity to, any appliance, structure, property, ma-
15 chine, or apparatus, or any facility or other material
16 used, or intended to be used, in connection with the
17 operation, maintenance, loading, unloading, or stor-
18 age of any vessel or any passenger or cargo carried
19 or intended to be carried on any vessel;

20 “(7) communicates information, knowing the
21 information to be false and under circumstances in
22 which such information may reasonably be believed,
23 thereby endangering the safety of any vessel in navi-
24 gation; or

1 “(8) attempts or conspires to do anything pro-
2 hibited under paragraphs (1) through (7):
3 shall be fined under this title or imprisoned not more than
4 20 years, or both.

5 “(b) LIMITATION.—Subsection (a) shall not apply to
6 any person that is engaging in otherwise lawful activity,
7 such as normal repair and salvage activities, and the law-
8 ful transportation of hazardous materials.

9 “(c) PENALTY.—Whoever is fined or imprisoned
10 under subsection (a) as a result of an act involving a vessel
11 that, at the time of the violation, carried high-level radio-
12 active waste (as that term is defined in section 2(12) of
13 the Nuclear Waste Policy Act of 1982 (42 U.S.C.
14 10101(12)) or spent nuclear fuel (as that term is defined
15 in section 2(23) of the Nuclear Waste Policy Act of 1982
16 (42 U.S.C. 10101(23)), shall be fined under title 18, im-
17 prisoned for a term up to life, or both.

18 “(d) PENALTY WHEN DEATH RESULTS.—Whoever is
19 convicted of any crime prohibited by subsection (a), which
20 has resulted in the death of any person, shall be subject
21 also to the death penalty or to imprisonment for life.

22 “(e) THREATS.—Whoever willfully imparts or con-
23 veys any threat to do an act which would violate this chap-
24 ter, with an apparent determination and will to carry the
25 threat into execution, shall be fined under this title, im-

1 prisoned not more than 5 years, or both, and is liable for
2 all costs incurred as a result of such threat.

3 **“§ 2292. Imparting or conveying false information**

4 “(a) IN GENERAL.—Whoever imparts or conveys or
5 causes to be imparted or conveyed false information,
6 knowing the information to be false, concerning an at-
7 tempt or alleged attempt being made or to be made, to
8 do any act which would be a crime prohibited by this chap-
9 ter or by chapter 111 of this title, shall be subject to a
10 civil penalty of not more than \$5,000, which shall be re-
11 coverable in a civil action brought in the name of the
12 United States.

13 “(b) MALICIOUS CONDUCT.—Whoever willfully and
14 maliciously, or with reckless disregard for the safety of
15 human life, imparts or conveys or causes to be imparted
16 or conveyed false information, knowing the information to
17 be false, concerning an attempt or alleged attempt to do
18 any act which would be a crime prohibited by this chapter
19 or by chapter 111 of this title, shall be fined under this
20 title, imprisoned not more than 5 years, or both.

21 “(c) JURISDICTION.—

22 “(1) IN GENERAL.—Except as provided under
23 paragraph (2), section 2290(a) shall not apply to
24 any offense under this section.

1 “(2) JURISDICTION.—Jurisdiction over an of-
 2 fense under this section shall be determined in ac-
 3 cordance with the provisions applicable to the crime
 4 prohibited by this chapter, or by chapter 2, 97, or
 5 111 of this title, to which the imparted or conveyed
 6 false information relates, as applicable.

7 **“§ 2293. Bar to prosecution**

8 “(a) IN GENERAL.—It is a bar to prosecution under
 9 this chapter if—

10 “(1) the conduct in question occurred within
 11 the United States in relation to a labor dispute, and
 12 such conduct is prohibited as a felony under the law
 13 of the State in which it was committed; or

14 “(2) such conduct is prohibited as a mis-
 15 demeanor under the law of the State in which it was
 16 committed.

17 “(b) DEFINITIONS.—In this section:

18 “(1) LABOR DISPUTE.—The term “labor dis-
 19 pute” has the same meaning given that term in sec-
 20 tion 113(c) of the Norris-LaGuardia Act (29 U.S.C.
 21 113(c)).

22 “(2) STATE.—The term “State” means a State
 23 of the United States, the District of Columbia, and
 24 any commonwealth, territory, or possession of the
 25 United States.”.

1 (b) TECHNICAL AND CONFORMING AMENDMENT.—
 2 The table of chapters at the beginning of title 18, United
 3 States Code, is amended by inserting after the item for
 4 chapter 111 the following:

“111A. Destruction of, or interference with, vessels or maritime facilities 2290”.

5 **SEC. 8. THEFT OF INTERSTATE OR FOREIGN SHIPMENTS**
 6 **OR VESSELS.**

7 (a) THEFT OF INTERSTATE OR FOREIGN SHIP-
 8 MENTS.—Section 659 of title 18, United States Code, is
 9 amended—

10 (1) in the first undesignated paragraph—

11 (A) by inserting “trailer,” after
 12 “motortruck,”;

13 (B) by inserting “air cargo container,”
 14 after “aircraft,”; and

15 (C) by inserting “, or from any intermodal
 16 container, trailer, container freight station,
 17 warehouse, or freight consolidation facility,”
 18 after “air navigation facility”;

19 (2) in the fifth undesignated paragraph, by
 20 striking “one year” and inserting “3 years”; and

21 (3) by inserting after the first sentence in the
 22 eighth undesignated paragraph the following: “For
 23 purposes of this section, goods and chattel shall be
 24 construed to be moving as an interstate or foreign

1 shipment at all points between the point of origin
2 and the final destination (as evidenced by the waybill
3 or other shipping document of the shipment), re-
4 gardless of any temporary stop while awaiting
5 transshipment or otherwise.”.

6 (b) STOLEN VESSELS.—

7 (1) IN GENERAL.—Section 2311 of title 18,
8 United States Code, is amended by adding at the
9 end the following:

10 “‘Vessel’ means any watercraft or other contrivance
11 used or designed for transportation or navigation on,
12 under, or immediately above, water.”.

13 (2) TRANSPORTATION AND SALE OF STOLEN
14 VESSELS.—Sections 2312 and 2313 of title 18,
15 United States Code, are each amended by striking
16 “motor vehicle or aircraft” and inserting “motor ve-
17 hicle, vessel, or aircraft”.

18 (c) REVIEW OF SENTENCING GUIDELINES.—Pursu-
19 ant to section 994 of title 28, United States Code, the
20 United States Sentencing Commission shall review the
21 Federal Sentencing Guidelines to determine whether sen-
22 tencing enhancement is appropriate for any offense under
23 section 659 or 2311 of title 18, United States Code, as
24 amended by this Act.

1 (d) ANNUAL REPORT OF LAW ENFORCEMENT AC-
 2 TIVITIES.—The Attorney General shall annually submit to
 3 Congress a report, which shall include an evaluation of
 4 law enforcement activities relating to the investigation and
 5 prosecution of offenses under section 659 of title 18,
 6 United States Code, as amended by this Act.

7 (e) REPORTING OF CARGO THEFT.—The Attorney
 8 General shall take the steps necessary to ensure that re-
 9 ports of cargo theft collected by Federal, State, and local
 10 officials are reflected as a separate category in the Uni-
 11 form Crime Reporting System, or any successor system,
 12 by no later than December 31, 2005.

13 **SEC. 9. INCREASED PENALTIES FOR NONCOMPLIANCE**
 14 **WITH MANIFEST REQUIREMENTS.**

15 (a) REPORTING, ENTRY, CLEARANCE REQUIRE-
 16 MENTS.—Section 436(b) of the Tariff Act of 1930 (19
 17 U.S.C. 1436(b)) is amended by—

18 (1) striking “or aircraft pilot” and inserting “,
 19 aircraft pilot, operator, owner of such vessel, vehicle
 20 or aircraft or any other responsible party (including
 21 non-vessel operating common carriers)”;

22 (2) striking “\$5,000” and inserting “\$10,000”;
 23 and

24 (3) striking “\$10,000” and inserting
 25 “\$25,000”.

1 (b) CRIMINAL PENALTY.—Section 436(c) of the Tar-
 2 iff Act of 1930 (19 U.S.C. 1436(c)) is amended by strik-
 3 ing “\$2,000” and inserting “\$10,000”.

4 (c) FALSITY OR LACK OF MANIFEST.—Section
 5 584(a)(1) of the Tariff Act of 1930 (19 U.S.C.
 6 1584(a)(1)) is amended by striking “\$1,000” in each
 7 place it occurs and inserting “\$10,000”.

8 **SEC. 10. STOWAWAYS ON VESSELS OR AIRCRAFT.**

9 Section 2199 of title 18, United States Code, is
 10 amended by striking “Shall be fined under this title or
 11 imprisoned not more than one year, or both.” and insert-
 12 ing the following:

13 “(1) shall be fined under this title, imprisoned
 14 not more than 5 years, or both;

15 “(2) if the person commits an act proscribed by
 16 this section, with the intent to commit serious bodily
 17 injury, and serious bodily injury occurs (as defined
 18 under section 1365, including any conduct that, if
 19 the conduct occurred in the special maritime and
 20 territorial jurisdiction of the United States, would
 21 violate section 2241 or 2242) to any person other
 22 than a participant as a result of a violation of this
 23 section, shall be fined under this title, imprisoned
 24 not more than 20 years, or both; and

1 “(3) if an individual commits an act proscribed
 2 by this section, with the intent to cause death, and
 3 if the death of any person other than a participant
 4 occurs as a result of a violation of this section, shall
 5 be fined under this title, imprisoned for any number
 6 of years or for life, or both.”.

7 **SEC. 11. BRIBERY AFFECTING PORT SECURITY.**

8 (a) IN GENERAL.—Chapter 11 of title 18, United
 9 States Code, is amended by adding at the end the fol-
 10 lowing:

11 **“§ 226. Bribery affecting port security**

12 “(a) IN GENERAL.—Whoever knowingly—

13 “(1) directly or indirectly, corruptly gives, of-
 14 fers, or promises anything of value to any public or
 15 private person, with intent—

16 “(A) to commit international or domestic
 17 terrorism (as that term is defined under section
 18 2331);

19 “(B) to influence any action or any person
 20 to commit or aid in committing, or collude in,
 21 or allow, any fraud, or make opportunity for
 22 the commission of any fraud affecting any se-
 23 cure or restricted area or seaport; or

24 “(C) to induce any official or person to do
 25 or omit to do any act in violation of the fidu-

1 ciary duty of such official or person which af-
 2 fects any secure or restricted area or seaport;
 3 or

4 “(2) directly or indirectly, corruptly demands,
 5 seeks, receives, accepts, or agrees to receive or ac-
 6 cept anything of value personally or for any other
 7 person or entity in return for—

8 “(A) being influenced in the performance
 9 of any official act affecting any secure or re-
 10 stricted area or seaport; and

11 “(B) knowing that such influence will be
 12 used to commit, or plan to commit, inter-
 13 national or domestic terrorism

14 shall be fined under this title, imprisoned not more than
 15 15 years, or both.

16 “(b) DEFINITION.—In this section, the term ‘secure
 17 or restricted area’ has the meaning given that term in sec-
 18 tion 2285(c).”.

19 (b) TECHNICAL AND CONFORMING AMENDMENT.—
 20 The table of sections for chapter 11 of title 18, United
 21 States Code, is amended by adding at the end the fol-
 22 lowing:

“226. Bribery affecting port security.”.

